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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/898,339   | 07/03/2001  | Paul T. Brescia      | 7000-078            | 2482             |
| 27820  | 7590        | 03/09/2004           | EXAMINER            |                  |
| WITHROW & TERRANOVA, P.L.L.C.<br>P.O. BOX 1287<br>CARY, NC 27512 |             |                      | NGUYEN, HUNG T      |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 2636                 |                     |                  |
| DATE MAILED: 03/09/2004  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/898,339             | BRESCIA, PAUL T.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Hung T. Nguyen         | 2636                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 December 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10,12 & 14.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 & 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amine et al. (U.S. 6,353,398) in view of Tsoukas (WO 97/41,654).

Regarding claim 1, Amin discloses a method / a system for notification [ figs.1-3, col.1, lines 6-11 and col.2, lines 53-66 ] comprising:

- determining an event occurrence [ figs.1-4, col.1, line 63 to col.2, line 20 ];
- determining location indicia / hospitals , dealers (70), stores / restaurants (60) [ figs.1-4, col.1, line 63 to col.2, line 20 ];
- sending information to a select communication device (50) when the event occurrence and the location indicia correlate with an event criteria and location criteria [ figs.1-4, col.1, lines 45-50 and col.2, line 53 to col.3, line 47 ].

Amin does not specifically disclose a phrase “user desired profile” in the system for notification that outlines when certain types of information are to be delivered.

However, Amin clearly teaches a system for notification includes a focus directed system (20a) combines the directed information system mention above with a selectively defined parameter may include demographic and other related criteria for linking specific information to a regionally located user as individual incomes, survey information of a user, buying history / pattern [ fig.3, col.4, lines 3-28 ].

Furthermore, Tsoukas discloses a telecommunication information system includes a message distribution center (10) connected to at least one information source (20) and arranged to process the data to generate information message for a particular subscriber in accordance with a **customer defined profile** of the subscriber / step (216), the information messages being transmitted to the subscriber's mobile terminal (32) in the form of short message service such as stock market information, lotto results, hotels, petrol stations, traffic information, and others at any time or predetermined times from any location or based on any event [ figs.1,4, col.2, line 12 to col.3, line 15, col.6, lines 18-30 and col.8, lines 21-26 ].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Tsoukas the system of Amin which user may receive any desired information based on time or predetermined times, location and event triggers that outlines when certain types information are to be delivered.

Regarding claims 2-3, Amin does not specifically disclose the determining an event occurrence and location indicia with a plurality of steps as claimed by the applicant.

However, Amin clearly teaches the system for delivering information such as a notification or other content. The system for directing and receiving information to and from

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geographically relevant locations. The system links information from Internet or other databases when both the event occurrence and location indicia / hospitals, dealers (70), stores / restaurants (60) is actual location or area and proximity of to a location, the information is requested can be sent to the appropriate communication device such as a computer / hand-held mobile, webpage, e-mail system is selected by the user [ figs.1-4, col.1, line 63 to col.2, line 20 and col.3, lines 7-47 ] and

Tsoukas discloses the telecommunication information system includes a message distribution center (10) connected to at least one information source (20) and arranged to process the data to generate information message for a particular subscriber in accordance with a **customer defined profile** of the subscriber / step (216), the information messages being transmitted to the subscriber's mobile terminal (32) in the form of short message service such as stock market information, lotto results, hotels, petrol stations, traffic information, and others at any time or predetermined times from any location or based on any event comprising the step of:

Storing customer defined profiles of subscribers of the network;

Receiving, at a message distribution center, data from the information source which is updated continuously or at intervals;

Processing the data to produce information message for particular subscribers in accordance with a stored customer defined profile of each subscriber;

Transmitting the information message to a particular subscribers in accordance with the stored defined profile of each subscriber [ figs.1,4, col.2, line 12 to col.3, line 15, col.8, lines 21-26 and col.17, lines 1-11 ]

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Tsoukas the system of Amin to provide directing information to users who met certain criteria.

Regarding claims 4-5, Amin discloses the information is sent to the selected communication device is a notification pertaining to the event occurrence and the location indicia [ fig.3, col.2, lines 5-20 , col.3, lines 7-47 and col.4, lines 3-28 ] and

Tsoukas discloses a telecommunication information system includes a message distribution center (10) connected to at least one information source (20) and arranged to process the data to generate information message for a particular subscriber in accordance with a **customer defined profile** of the subscriber / step (216), the information messages being transmitted to the subscriber's mobile terminal (32) in the form of short message service such as stock market information, lotto results, hotels, petrol stations, traffic information, and others at any time or predetermined times from any location or based on any event [ figs.1,4, col.2, line 12 to col.3, line 15, col.6, lines 18-30 and col.8, lines 21-26 ].

Regarding claim 6, Both Amin & Tsoukas disclose the communication devices for requesting and receiving informations by the user is a remote service / computer / hand-held mobile (50) and mobile phone (32) [ col.2, lines 5-20 , col.3, lines 7-47 and col.4, lines 3-28 ] and [ figs.1,4, col.2, line 12 to col.3, line 15, col.6, lines 18-30 and col.8, lines 21-26 ].

Regarding claim 7, Amin discloses the location indicia / hospitals, dealers (70), stores / restaurants (60) is actual location or area and proximity of to a location [ figs.1-4, col.1, line 63 to col.2, line 20 ] and

Tsoukas discloses a telecommunication information system includes a message distribution center (10) connected to at least one information source (20) and arranged to process the data to generate information message for a particular subscriber in accordance with a **customer defined profile** of the subscriber / step (216), the information messages being transmitted to the subscriber's mobile terminal (32) in the form of short message service such as stock market information, lotto results, hotels, petrol stations, traffic information, and others at any time or predetermined times from any location or based on any event [ figs.1,4, col.2, line 12 to col.3, line 15, col.6, lines 18-30 and col.8, lines 21-26 ].

Regarding claims 11-12, Amin discloses the information is sent to the selected communication device is a mobile phone or computer or electronic device to the mobile user (50) [ fig.2, col.3, lines 7-47 ] and

Tsoukas discloses the communication devices for requesting and receiving informations by the user is a mobile phone (32) [ figs.1,4, col.2, line 12 to col.3, line 15, col.6, lines 18-30 and col.8, lines 21-26 ].

Regarding claims 13-15, Amin discloses the user requesting the location information through a computer / hand-held mobile (50), webpage, e-mail system as desired [ fig.2, col.1, line 45 to col.2, line 20 and col.3, lines 7-47 ].

Regarding claim 16, The request informations are stored in a database or Internet is sent the computer / hand-held mobile , webpage, e-mail system is selected by the user [ fig.2, col.1, line 45 to col.2, line 20 and col.3, lines 7-47 ] .

Regarding claim 17, Amin discloses a method / a system for notification [ figs.1-3, col.1, lines 6-11 and col.2, lines 53-66 ] comprising:

- determining an event occurrence [ figs.1-4, col.1, line 63 to col.2, line 20 ];
- determining location indicia / hospitals , dealers (70), stores / restaurants (60) [ figs.1-4, col.1, line 63 to col.2, line 20 ];
- sending information to a select communication device (50) when the event occurrence and the location indicia correlate with an event criteria and location criteria [ figs.1-4, col.1, lines 45-50 and col.2, line 53 to col.3, line 47 ].

Amin does not specifically disclose a phrase “user desired profile” in the system for notification that outlines when certain types of information are to be delivered.

However, Amin clearly teaches a system for notification includes a focus directed system (20a) combines the directed information system mention above with a selectively defined parameter may include demographic and other related criteria for linking specific information to a regionally located user as individual incomes, survey information of a user, buying history / pattern [ fig.3, col.4, lines 3-28 ].

Furthermore, Tsoukas discloses a telecommunication information system includes a message distribution center (10) connected to at least one information source (20) and arranged to process the data to generate information message for a particular subscriber in accordance

with a **customer defined profile** of the subscriber / step (216), the information messages being transmitted to the subscriber's mobile terminal (32) in the form of short message service such as stock market information, lotto results, hotels, petrol stations, traffic information, and others at any time or predetermined times from any location or based on any event [ figs.1,4, col.2, line 12 to col.3, line 15, col.6, lines 18-30 and col.8, lines 21-26 ].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Tsoukas the system of Amin which user may receive any desired information based on time or predetermined times, location and event triggers that outlines when certain types information are to be delivered.

Regarding claims 18-19, Amin does not specifically disclose the determining an event occurrence and location indicia with a plurality of **steps** as claimed by the applicant.

However, Amin clearly teaches the system for delivering information such as a notification or other content . The system for directing and receiving information to and from geographically relevant locations. The system links information from Internet or other databases when both the event occurrence and location indicia / hospitals , dealers (70), stores / restaurants (60) is actual location or area and proximity of to a location , the information is requested can be sent to the appropriate communication device such as a computer / hand-held mobile , webpage, e-mail system is selected by the user [ figs.1-4, col.1, line 63 to col.2, line 20 and col.3, lines 7-47 ] and

Tsoukas discloses the telecommunication information system includes a message distribution center (10) connected to at least one information source (20) and arranged to process

the data to generate information message for a particular subscriber in accordance with a **customer defined profile** of the subscriber / step (216), the information messages being transmitted to the subscriber's mobile terminal (32) in the form of short message service such as stock market information, lotto results, hotels, petrol stations, traffic information, and others at any time or predetermined times from any location or based on any event comprising the step of:

Storing customer defined profiles of subscribers of the network;

Receiving, at a message distribution center, data from the information source which is updated continuously or at intervals;

Processing the data to produce information message for particular subscribers in accordance with a stored customer defined profile of each subscriber;

Transmitting the information message to a particular subscribers in accordance with the stored defined profile of each subscriber [ figs.1,4, col.2, line 12 to col.3, line 15, col.8, lines 21-26 and col.17, lines 1-11 ]

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Tsoukas the system of Amin to provide directing information to users who met certain criteria.

Regarding claim 20, Amin discloses a computer readable medium comprising software configured to instruct a computer (10c) to [ fig.5, col.4, line 51 to col.6, line 10 and col.8, lines 20-49 ]:

- determining an event occurrence [ figs.1-5, col.1, line 63 to col.2, line 20 and col.4, line 51 to col.6, line 10 ];

- determining location indicia / hospitals , dealers (70), stores / restaurants (60) [ figs.1-5, col.1, line 63 to col.2, line 20 and col.4, line 51 to col.6, line 10 ];
- sending information to a select communication device (50) when the event occurrence and the location indicia correlate with an event criteria and location criteria [ figs.1-5, col.1, lines 45-50 , col.2, line 53 to col.3, line 47 and col.4, line 51 to col.6, line 10 ].

Amin does not specifically disclose a phrase “user desired profile” in the system for notification that outlines when certain types of information are to be delivered.

However, Amin clearly teaches a system for notification includes a focus directed system (20a) combines the directed information system mention above with a selectively defined parameter may include demographic and other related criteria for linking specific information to a regionally located user as individual incomes, survey information of a user, buying history / pattern [ fig.3, col.4, lines 3-28 ].

Furthermore, Tsoukas discloses a telecommunication information system includes a message distribution center (10) connected to at least one information source (20) and arranged to process the data to generate information message for a particular subscriber in accordance with a **customer defined profile** of the subscriber / step (216), the information messages being transmitted to the subscriber’s mobile terminal (32) in the form of short message service such as stock market information, lotto results, hotels, petrol stations, traffic information, and others at any time or predetermined times from any location or based on any event [ figs.1,4, col.2, line 12 to col.3, line 15, col.6, lines 18-30 and col.8, lines 21-26 ].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Tsoukas the system of Amin which user may receive any desired information

based on time or predetermined times, location and event triggers that outlines when certain types information are to be delivered.

Regarding claims 21-22, Amin does not specifically disclose the determining an event occurrence and location indicia with a plurality of steps as claimed by the applicant.

However, Amin clearly teaches the system for delivering information such as a notification or other content . The system for directing and receiving information to and from geographically relevant locations. The system links information from Internet or other databases when both the event occurrence and location indicia / hospitals , dealers (70), stores / restaurants (60) is actual location or area and proximity of to a location , the information is requested can be sent to the appropriate communication device such as a computer / hand-held mobile , webpage, e-mail system is selected by the user [ figs.1-4, col.1, line 63 to col.2, line 20 and col.3, lines 7-47 ] and

Tsoukas discloses the telecommunication information system includes a message distribution center (10) connected to at least one information source (20) and arranged to process the data to generate information message for a particular subscriber in accordance with a **customer defined profile** of the subscriber / step (216), the information messages being transmitted to the subscriber's mobile terminal (32) in the form of short message service such as stock market information, lotto results, hotels, petrol stations, traffic information, and others at any time or predetermined times from any location or based on any event comprising the step of:

Storing customer defined profiles of subscribers of the network;

Receiving, at a message distribution center, data from the information source which is updated continuously or at intervals;

Processing the data to produce information message for particular subscribers in accordance with a stored customer defined profile of each subscriber;

Transmitting the information message to a particular subscribers in accordance with the stored defined profile of each subscriber [ figs.1,4, col.2, line 12 to col.3, line 15, col.8, lines 21-26 and col.17, lines 1-11 ]

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Tsoukas the system of Amin to provide directing information to users who met certain criteria.

Regarding claim 23, Amin discloses a method / a system for notification [ figs.1-3, col.1, lines 6-11 and col.2, lines 53-66 ] comprising:

- determining an event occurrence [ figs.1-4, col.1, line 63 to col.2, line 20 ];
- determining location indicia / hospitals , dealers (70), stores / restaurants (60) [ figs.1-4, col.1, line 63 to col.2, line 20 ];
- sending information to a select communication device (50) when the event occurrence and the location indicia correlate with an event criteria and location criteria [ figs.1-4, col.1, lines 45-50 and col.2, line 53 to col.3, line 47 ].

Amin does not specifically disclose a phrase “user desired profile” in the system for notification that outlines when certain types of information are to be delivered.

However, Amin clearly teaches a system for notification includes a focus directed system (20a) combines the directed information system mention above with a selectively defined parameter may include demographic and other related criteria for linking specific information to a regionally located user as individual incomes, survey information of a user, buying history / pattern [ fig.3, col.4, lines 3-28 ].

Furthermore, Tsoukas discloses a telecommunication information system includes a message distribution center (10) connected to at least one information source (20) and arranged to process the data to generate information message for a particular subscriber in accordance with a **customer defined profile** of the subscriber / step (216), the information messages being transmitted to the subscriber's mobile terminal (32) in the form of short message service such as stock market information, lotto results, hotels, petrol stations, traffic information, and others at any time or predetermined times from any location or based on any event [ figs.1,4, col.2, line 12 to col.3, line 15, col.6, lines 18-30 and col.8, lines 21-26 ].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Tsoukas the system of Amin which user may receive any desired information based on time or predetermined times, location and event triggers that outlines when certain types information are to be delivered.

3. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (U.S. 6,353,398) in view of Tsoukas (WO 97/41,654) further in view of Asaoka et al. (U.S. 6,349,203).

Regarding claim 8, Both Amin & Tsoukas do not specifically mention the event occurrence is a weather event and the location indicia relates to a location of a person potentially affected by the weather event.

To understand the weather condition in a place to stop by or visit is forecasted a thunderstorm or heavy snow is on the way in that area is very important subject to a visitor / traveler for preparing or making a decision to go over there or not.

Asaoka teaches a technique of informing a weather condition at least 7 days forecast to a person who want to get that weather information from a portable terminal device (30) [ figs.4-5, col.6, lines 6-15 and lines 54-61 ].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Tsoukas & Asaoka includes weather information feature in the system of Amin for notifying weather updates to a visitor / traveler for preparing or making a decision to go over there or not.

Regarding claims 9-10, Asaoka teaches the technique of informing a weather condition at least 7 days forecast to a person who want to get that weather information from a portable terminal device (30) should be included time or period of time of the severe weather [ figs.4-5, col.6, lines 6-15 and lines 54-61 ].

### **Response to Arguments**

4. Applicant's arguments filed on Dec. 5, 2003 respect to claims 1-23 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (703) 305-4717. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



Examiner: Hung T. Nguyen

Date: Mar. 7, 2004